

LAW IN LITERATURE AND EVOLVEMENT OF CODES OF LAW FROM AESCHYLUS TO BRECHT

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ABSTRACT

Law, written or as a socially approved set of values, has always been seen as the judicial profile of the evolvement of civilizations. Being intertwined with the development of civilization, law has been entrusted to monitor and govern social behaviour. Blood Law, church law, common law and civil law mark stages of judicial evolvement from antiquity down to the present. Application of law defines, brings to court and passes sentence on its breakers, whenever needed. So Law could be defined as “the principles and regulations established in a community by some authority and applicable to its people, whether in the form of legislation or of custom and policies recognized and enforced by judicial decision.” (<http://www.dictionary.com/browse/law>, retrieved February 4, 2018).

KEYWORDS: Prometheus Bound & Approach to Court Law

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INTRODUCTION

The penalty for flouting regulations and any retributive measures taken to rectify erroneous behaviour are binding approaches upheld, interpreted and enforced by an institutionalized authority in communities that need law to protect man and state. That is why the development of law highlights the rise of civilizations from ancient ages down to the present. This paper reviews aspects of law-related works as ancient as the Greek playwright Aeschylus and as modern as Bertolt Brecht, the twentieth century German playwright.

DEVELOPMENT OF LAW

Social equality, fairness and impartiality have always been the objectives of law and its application, and likewise the development of civilizations highlights the evolvments of law. Mesopotamia, Greece, ancient Egypt and other civilizations developed laws in accordance with their traditions and social, economic and religious values. Hammurabi, the Babylonian king had his law or codes inscribed on stone as a testimony to his version of fairness and justice. His laws “consists of his legal decisions, blessed and sanctified” (<https://www.britannica.com/topic/Code-of-Hammurabi>, retrieved Feb. 4, 2018).

By having been inscribed on the walls on the temple of Marduk “the national god of Babylonia.” His laws or codes as known presented a comprehensive judicial system to deal with all cases of offences.

(<https://www.britannica.com/topic/Code-of-Hammurabi>, retrieved. Feb, 5, 2018).

Likewise, ancient Egyptians and Romans developed their own legal systems and moral laws until the arrival of heavenly religion which claimed sanctity of the laws revealed in The Torah, The Bible and The Quran. The Ten Commandments given to Moses mark a divine message delineating code of moral laws, the faithful

followers of Moses should observe. So, stating that the law has always been synonymous with man's early stages of human development is not a jump into space because life demands governing codes and laws.

Meeting the challenge of establishing an empowered and empowering fair justice precipitated humans to establish codes of law. Blood law, traded guilt for punishment and so is relevant cases, i. e. pay in the same, a course socially sanctioned and approved even by religious authorities. The Holy Books like The Quran and The Bible presented divine revelations perceived by human law makers as divine verifiable laws. Documented divine law infiltrated all aspects of life, even art which could not escape the influence of divine messages. They, artists and playwrights, felt the need to mimic life on stage and leave man to accept divine will and law to bring about enduring man-divine concord. Ancient Greece, Mesopotamia, Egypt and Rome championed human development and its affiliated aspects like law. This is not to suggest that the authors are law makers, but some literary pieces do convey and suggest judicial approaches amounting to traditionally approved set of laws. Governed by time and social values men of letters advocate versions of judicial conduct. This approach in literature is not a mere hypothesis but rather a traceable one set to show the encounter between law and literature to offer the audience and readers alike examples of applied justice to rectify erroneous behaviour. In trying to bring about their virtual justice, some authors as was the case in ancient Greece presented human follies judged and tried according to divine law. However, ancient legends like Babylonian remain aloof from real law practice like a judicial system, but they nevertheless offer a platform for monitoring law practice or reminding law makers of the need to reform it. Ancient literary pieces and possibly some relatively modern ones like *Gilgamesh*, *Oresteia* and Bertolt Brecht's *Galileo* present sets of examples on the law's dealing with human misconduct.

This paper offers an investigation into the development of law in literature and related values like: religious, social, ethical and aesthetical and traditional with judicial basis taken and seen as laws in selected works. The focus will be on the legend of Prometheus because it has been resuscitated in many works of art. Aeschylus', *Oresteia*, and *Prometheus Bound*, Goethe's, *Prometheus Unbound*, Shelley's and Lord Byron's *Prometheus Unbound*, and J.P. Sartre's *The Flies*, and Bertolt Brecht's *Galileo*. The works mentioned try to show the time old and intricate man – divine relations in a world dominated by divine will and its proxies. This paper commences by elucidating Aeschylus' and his treatment of the relation between mortal and immortals in his *The Oresteia*, and *Prometheus Bound*.

LAW IN ANCIENT GREECE AND AESCHYLUS' "ORESTEIA"

The Greek family of gods has been credited with helping men maintain a happy equilibrium of his life in return for keeping him subservient to them. Laws in ancient Greece were nothing but the hand of the divine family of gods and its human proxies. In his celebrated play, *Oedipus*, Sophocles addresses the subject of the "unwritten" and "unshakeable" laws of the gods.

Great laws tower above us, reared on high

Within them lives a mighty god, the god does not grow old. (<https://lawandreligionforum.org/2015/10/29/the-unwritten-laws-of-greece/retrieved>, March 14, 2018).

Sophocles' statement testifies to his submission to divine laws which exclude any human contribution. However, this approach did not remain unchallenged. Tracing back this human tendency to stand up to divine law takes readers back to Aeschylus who is "often described as the father of tragedy." (<https://en.wikipedia.org/wiki/Aeschylus> retrieved March 16 2018). Sicilian by birth, he is the first of Athens' great dramatist to present plays as a trilogy. His play *Oresteia* is the

only ancient example of the form to have survived" (<https://en.wikipedia.org/wiki/Aeschylus>., retrieved March, 16, 2018)

In his Trilogy, *The Oresteia*, Aeschylus documents on stage the life of Agamemnon and his wife Clytemnestra and the divine curse that plagued them. The *Oresteia* narrates the plight of the House of Atreus where cyclical revenge is destined to fulfil a divine curse on Atreus and his descendants. The blood cycle was caused when Tantalus of Lydia banqueted the gods on the flesh of his son, and thus angered and incurred their vengeful reaction on him and his descendants. As a result of the curse Agamemnon and his brother Menelaus launched a war against Troy to retrieve Helen, who eloped with Paris, the son of Priam, king of Troy. The ongoing curse landed with Orestes, who had to avenge his father, Agamemnon, who on his victorious return from Trojan war, was killed by Clytemnestra, his wife, and her paramour, Aegistheus. His murder followed his sacrifice of his daughter Iphigenia for the war that gods sanctioned.

The war claimed the lives of thousands of men. According to the law of retribution and guilt, Agamemnon has to suffer the aftermath of his own deed and thus a series of retributive murders starts, which is in reality the fulfilment of the famous curse of the House of Atreus. Zeus oversees how the curse moves down from one generation to another. Orestes appeals to the chief god "Great Zeus, O grant me vengeance for my father's death"

(<http://www.theoi.com/Text/AeschylusAgamemnon.html>) retrieved, March 17, 2018.

This version of justice is briefly described by Orestes as "exacting retribution and shouts, blood for blood, blow for blow. (<http://www.theoi.com/Text/AeschylusAgamemnon.html> theo.Com) retrieved, March 17, 2018.

In *Libation Bearer*, the second part of Aeschylus trilogy, *Oresteia*, retribution for the killing of Agamemnon by his wife Clytemnestra and her lover, Aegistheus, ends the life of her at the hand of her son Orestes who, eventually, has been wheeled into that blood cycle. The Furies, the guardians of murdered souls, start haunting and taunting him. According to the divine law, repentance and Retributions will make of him the next victim at the altar of more bloodshed. Retribution, as a primitive law of an eye for an eye looks similar to Old – Testament's law which tempts to exact the same punishment in similar cases, i.e. paying in the same coin, a practice seen as having an irrefutable divine authorization. Any challenge to divine mandate amounts to a flagrant anti religion act, i.e. against Zeus, supreme god of ancient Greece whose authority extends to all mortals and immortals. Divine family members, in this sense, are not immune from penalty should they break divine law and will. Zeus in Aeschylus' *Prometheus Bound* shows his absolute power, a dissimilar approach to any practice of civil law which is a customary law of legal principles, where any case should be brought to court and henceforth judged accordingly by judges and juries. Divine law looks an extension to the primitive law where the law maker is both the judge and the jury, a stage where any reformation or development of it should include human role and a chance for the one on trial to plead guilty or innocent.

As a convicted assassin, Orestes has had a primitive law and court law intersecting in his case. He is subject to retribution according to the primitive law unless brought to trial by a judicial body away from the sacred law. Like his ancestors, Orestes' father, Agamemnon observed and abided by Zeus' law, then called "sacred", which he willfully embraced and with it his harsh fate when he ritually sacrificed his daughter Iphigenia to calm wind to facilitate the sailing of the Greek fleet.

Heavy indeed my fate...How can I abandon my allies... Their call for sacrifice to calm the winds lies within

(Sacred law archive.org. p. 3 Agamemnon.Retrieved, March 18, 2018).

For being a man who executes fate, responsibility for the crime he committed should not be dealt with in terms of the law of an eye- for –an- eye and a tooth- for –a –tooth. Responsibility should consider and possibly rest with the instigator, so that the difference between criminal, which is related to crime, and civil law, the legal one intellectualized within the frame work of the Roman Law, could be established. Agamemnon faithfully executes fate, an enough appeal to set him free from punishment should he undergo a fair trial. Incriminating him contradicts civil justice and modern state law while, and on the hand, subjecting him to the law of retribution endorses the so called judicial system of the divine family and eventually, criminal law in practice and eventually murder for murder. Vengeance, as an approved way for settling disputes may look just and justice keeping. However, modifying it, gains ground, a must in a changing world. Sticking to it is set to destabilize the very essence of its founding power and institution. In his *The Oresteia*, Aeschylus draws new judicial lines. The chorus claims divine right to try "evil" man. Their place in the order of things is to be "ever vigilant for human evil" archive.org (<https://www.thecontingency.com/2007/08/euripides-pants/>, retrieved March 22, 2018) or human destiny. Establishing a court to try a fated person, Orestes and his subsequent acquittal, strikes an advanced note of law development. The law is not any more subject to fate and fate makers as is the case in his *Prometheus Bound*, the divine family member who is subjected to an arbitrary trial that denied him any fairness on the basis of considering circumstantial motives for his "crime" or in fact his "fate." Fairness and fate in law make competing approaches, each of which believes in its righteousness to judge cases like Orestes'. However, when a divine family member, Athena addresses people and judges about "the first trial ever held for murder" (archive.org Eumenides. retrieved, March 23) she ushers in the awaited change to proceed to court trial away from Apollo's unilateral approach to law which He describes: "what I have to say proceeds from justice." (archive.org Eumenides retrieved, March 23)

In *Agamemnon* and the *Libation Bearers* Aeschylus presents a case of transition of the power of law from arbitrary divine one to fair trial sponsored and conducted by divine family members who cast votes in a very democratic way in order democratize society and life. In the court trial, Apollo sanctions this shift and promises to make "city... and... people great." (archive.org Eumenides retrieved, March 26) Athena spearheads this transition by calling on the judges to cast their votes. "Shall I now instruct the judges to cast their votes on the side of justice as they see it? (archive.org Eumenides retrieved, March 26) This call sounds free from any coercive demand to identify with divine view or any influences. Justice comes first, and with ballots she urges and addresses judges and jurors to "make sure your hearts respect that oath you made." (archive.org Eumenides, retrieved, March 26). In short the age of reason and the law looks dawning. Serving people is the objective declared. Athena states that "Now and forever this court of judges will convene here to serve Argus people" (archive.org Eumenides. retrieved, March 26). This panel of justice is set to be activated and observed. Judicial mechanism is supposed to help protect people "against injustice night." (archive.org Eumenides. retrieved, March 27) Zeus' order to "start the trial" (archive.org Eumenides. retrieved, March 27) marks a new era if not a line of demarcation between two judicial periods where: in the first Zeus is the sole legislator while in the subsequent one there is an independent court that presides over cases of law concern. Athena declares it established "I now declares it open" (archive.org Eumenides. retrieved, March 28) Being opened by a female divine family member functions on two different levels. The first Athenian court system was dominated by men. That was due to the fact that Athenian society was a male dominated one and

In his *Oresteia*, Simon Goldhill sees that Aeschylus "focuses on the play's themes--justice, sexual politics, violence, and the role of man in ancient Greek culture". (Simon Goldhill, *Oresteia* 1992, p6) The Athenian court seems to have been remarkably unwilling to allow any" female presence in the civic space of the law court itself" (Simon

Goldhill *Oresteia*, 1992. p 27. Opening the trial by a female, Athena, ushers in a period of female involvement in the civic scene and helps prevent any future conflict, because this transition is divinely sanctioned and it is mainly intended to "avoid both anarchy and tyranny" Simon Goldhill, *Oresteia*, 1992, p, 210) i.e. continuous anarchy of blood law and the tyranny of Zeus and his sole version of justice. Aeschylus' introduction of trial implicitly suggests the will to change and refusal of divine laws that intersect with the primitive one of blood for blood. The trial goes deadlocked when the votes of juries are counted equal. Athena casts her vote in favour of Orestes' acquittal. She says: "And I award my ballot to Orestes." (https://archive.org/details/The_Eumenides, retrieved March 29, 2018). By casting her vote she puts an end to "fear that can lead to good" ([archive.org Eumenides](https://archive.org/details/Eumenides), retrieved, March 29, 2018) and replaces it with peace and harmony that can lead to goodness. Vengeance or retributive law which was believed to be the one that safeguards society is not the just one anymore. Athena states that "all will see the justice in our verdict" ([archive.org Eumenides](https://archive.org/details/Eumenides), retrieved, April, 2018) archive.org p. 13) and calls on "The whole city to hear – her – eternal law" [archive.org Eumenides](https://archive.org/details/Eumenides), retrieved, April 5, 2018)

The new law which gives Orestes the chance to defend himself means that justice is to be decided by The High Court of Athens. For the first time ever the trial convenes with the immortals, Apollo, who has "come as a witness" (archive.org (13 idem) and Athena promising "justice in - her – verdict" (idem), both attend along with the public Athenians who are represented by the jury himself. This trial by ballot is to put an end to purification by blood, i.e. Zeus law. Athena's voting for Orestes is a divine sanctioning of the jury's decision to set Orestes free and it forges a consensus on saving man's individuality and freedom when and where it does not clash with the good of the whole. The acquittal of Orestes and Athena's call on the Furies, torturers of the spirit of the guilty, to think of life and how to enjoy it mark a clear message by Aeschylus to Athenians to follow fair law as the only way to promote fair justice and eventually bring about social peace and harmony in purpose of building a civilized and thriving community. His implied message gets divine substantiation and backing. Athena's message to Zeus, juries and people, when the trial was over offers, hopeful approach to end blood feud on one hand and democratically solve social disputes on the other. Such a development is crucial for safeguarding mortals' dignity, a process that should be preceded by dethroning tyranny and putting an end to Zeus' monopoly on law and justice.

"Zeus... will be brought down" (<https://archive.org/details/Oresteiaofaeschylus>, retrieved April 9, 2018) as a source of unwanted law not as a divine figure. Judicially speaking, he will be removed from his "tyrant throne" and with him his sole approach to law. (<https://archive.org/details/Oresteiaofaeschylus>, retrieved April 9, 2018). Dethroning tyranny is conducive to the establishment of a new law and judicial system, a step on the long road to the establishment of "the first trial ever" (archive.org p. 16) where Zeus addresses jurors "My friends as you cast your ballots make sure your hearts respect that oath you made." (<https://archive.org/details/oresteiaofaeschylus>, retrieved April 11, 2018)

His request which puts him on equal footings with the mortals gives this panel of justice full credit and respect to the verdict it passes on one hand and it denies Furies their power which lies in maintaining blood purification law. That is why their reaction to the verdict is clear. "We, Furies, daughters of night are dishonoured, shamed, our powers cast aside." (<https://archive.org/details/oresteiaofaeschylus>, retrieved April 13, 2018)

So fair trial discredits them, "drives their "ancient wisdom underground" (archive.org P.19), demand "steals – their- ancient powers" (<https://archive.org/details/oresteiaofaeschylus>, retrieved April 13, 2018) and according to goddess Athena, leaves citizens to have "throne of honour" (<https://archive.org/details/oresteiaofaeschylus>, retrieved April 13, 2018) sanctioned by "Justice that has left us – man and divine- ever victorious" and helps man lead a life 'free of

pain and care"(<https://archive.org/.../oresteiaofaeschydjvu.txt>, retrieved April,13, 2018)but not of fear simply because fear of punishment guarantees law a powerful position to force people respect it. Athena associates fear with respect for the law. She says: "What mortal man is truly honest without reprisal from the law" (<https://archive.org/.../Oresteiaofaeschydjvu.txt>, retrieved April 14, 2018). Justice, as such, must have power to force people respect it. She, the goddess, continues to relate law to fear as a guardian.

Reverence and Fear, two kindred rulers of ... people, will protect ...

people against injustice night and day, unless the citizens corrupt

the laws with evil innovation" (<https://archive.org/.../oresteiaofaeschydjvu.txt>, retrieved April15, 2018)

The happy end of *Oresteia* improves judicial procedures away from tyrannous mandate on law, an end that filters into social aspects and leaves its fingerprint on it. Balanced approach to law is likely to produce harmonious social fabric. That is why and in tracking the concept of law in his art there seems an articulation of social, political and judicial profiles interacting to show and highlight evolvement of man's needs to bring about a happy equilibrium between law makers and man who is always on the receiving end. Finding a fair judicial base gives man the badly needed space of legal process and justice that are conducive to social peace, a humane and aesthetical evolvement which guarantees an end to revenge and counter revenge.

Aeschylus' message in *the Oresteia* and *Prometheus Bound* is simple and clear. The cycle of blood cannot make an enduring justice because violence is likely to breed more violence and allow the common law of blood for blood to continue solving disputes, an act that observes an intersection between primitive law and Biblical one. Terminating cyclical violence is likely to replace hatred with peace. Escort declares that "Peace now reigns" (<https://archive.org/.../oresteiaofaeschydjvu.txt>, retrieved April,13, 2018)to bring Athens to "Strength and great good fortune." (<https://archive.org/.../oresteiaofaeschydjvu.txt>, retrieved April,16, 2018)

CONCEPTS OF LAW BETWEEN AESCHYLUS' "ORESTEIA" AND "PROMETHEUS BOUND"

Aeschylus' two plays bring onto the stage legends of Greek history, highlighting punishment for "crimes" committed. The critical time Greece was going through, made the way the law was applied highly sensitive, because the country sustained many foreign conquests, like the Persian, which brought carnage and chaos. However, Greece sometimes launched wars against neighbouring countries as was the case with Troy, a war to retrieve a faithless woman, Helen. But a decision, which substantiates the curse of the gods, could have been prevented by "senates" vote either for or against and here lies the difference between democracy and authoritarianism. Democracy and related law, Aeschylus plays tell, could have saved Greece unnecessary wars and carnage.

In his *Prometheus Bound*, Aeschylus presents the case of the rebel god who managed to steal fire and hand it over to the man, an action reminiscent of Adam's eating of the apple, and both steps defied god's covenant. Fire brought to man equals forbidden knowledge, the action that caused the Adam dismissal from heaven. When he moved to get it. Both have been condemned and sentenced according to irrevocable divine law that does not tolerate defiance.

Unlike Matricide in Aeschylus' *Oresteia*, which presents a criminal case of the first degree among mortals, his other play *Prometheus Bound*, presents a case among immortals. In flagrant defiance of Zeus' authority, a family member, Prometheus, stole fire for the benefit of mortals. His defiance on and the murder of Orestes' father make two different

cases that incriminate mortals and immortals alike. Zeus' justice and will represent the Law that has to be observed even by divine family members. Divine law, so to speak, oversees the case of dissent among immortals. When Prometheus stole fire and handed it to man he did not only leave the door wide open for acquisition of knowledge on the part of human beings but also for the application of divine law on a divine family member.

“PROMETHEUS BOUND” AND THE APPROACH TO COURT LAW

The introduction of court trial, as proposed, defended and applied by Athena the goddess puts Athenians on a different track supposedly leading to democracy. Court trial gives the right to man to plead guilty or not. Debating the case among judges and juries gives fair trial and a considerable opportunity for tolerance. Aeschylus' *Prometheus Bound* tests the patience of Prometheus, who sustains a painful sentence and yet still has the will to forgive and tolerate Zeus, whose authoritarian will has "marked for man the sole way where wisdom lies" (Robert Fogle, New York, 1977. P, 48) and he, the chief god "ordered one eternal plan, Man must suffer." (Robert Fogle, New York, 1977, p, 48). This philosophy of the law of power practiced by Zeus creates an authoritarian law excluding any chance for fair trial be it religious or otherwise. And Aeschylus' message in *Prometheus Bound* and in *Oresteia* calls for a dignified dealing with man to alleviate suffering and establish democracy and the rule of law and end man's servitude to the hierarchical system and thus eradicate doctrinal truth" insight text article on Life of Galileo P. 7

“Prometheus”: The Rebel God

By stealing fire and handing it to the man, Prometheus has violated not only divine trust, but also social codes not to steal, Christian wise. Divine justice manipulated by Zeus issues a guilty and irrevocable verdict, yet Aeschylus prepares for a major and substantial twist in the forthcoming events when the guilty feeling pity for the judge, Zeus. Prometheus's passion for tolerance and passion makes a central unit and element of law itself. Zeus's sentence on Prometheus equals blood law where vengeance is just and justice. *Prometheus Bound* made a preliminary attempt to present mute criticism against Zeus' unilateral and tyrannical approach to law. The play was staged eight years before *The Oresteia*, which proposed that court law should replace blood law, i.e. controlled and fair tribunal versus an uncontrolled, violent and private one. Aeschylus' two plays show a clear move from the private to the public dealing with the law. Establishing Court law engages emotions and reason and creates a balanced approach to the enforcement of law, a state called by Chorus "true Justice" (<http://www.theoi.com/Text/AeschylusAgamemnon.html>, retrieved, April, 17, 2018)

- *Oresteia* tries to shake off the heavy hand of Zeus described in *Prometheus Bound* as the god who "rules by his own law" (<https://www.poetryintranslation.com/PITBR/Greek/Prometheus>, retrieved, April, 19, 2018) Aeschylus, it has been argued, believes that Zeus' law seeks "the form of justice more than to be just" (Philip Vellocitt, *The Oresteia*, 1956, p. 161)

Condemning Prometheus for his "crime" for the sake of humanity substantiates not justice, but the formality of it where suffering is likely to drag on. Zeus intends his harsh sentence to teach by suffering "the doer must suffer and by suffering man learns" ([https://www. poetryintranslation, Greek/Prometheus](https://www.poetryintranslation.com/PITBR/Greek/Prometheus), retrieved, April 17, 2018). The chief god's law condones man's suffering to godfather wisdom, as a form of divine justice.

Zeus whose will has marked for man

The sole way where wisdom lies;

Ordered one eternal plan

- Man must suffer to be wise([https://www. poetryintranslation, Greek/Prometheus](https://www.poetryintranslation.com/Greek/Prometheus), retrieved, April 17, 2018).

Cyclical violence wheels formal justice into its rotating movement. Court law, as envisaged in *The Oresteia*, offers a way out of that deadlock. The chorus in the play which was staged in 458 B. C. defines law as "living record of all evil done" (<https://archive.org/stream/oresteiao.txt>, retrieved, April 23, 2018) and they state clearly that "Old law and justice be revered" (<https://archive.org/stream/oresteiao.txt>, retrieved, April 23, 2018) i.e. Zeus' verdict which conveys his personal will and "what he himself decides" (<https://archive.org/stream/oresteiao.txt>, retrieved, April, 27, 2018), as practiced in *Prometheus Bound* which was staged eight years earlier where Zeus places himself as the judge and the jury and his will is lasting law, "the law of fate" (<https://archive.org/stream/oresteiao.txt>, May 2, 2018) Chorus addresses and describes his law.

This is the land of Zeus, Zeus we revere

Whose lasting law both host and guest must observe.

(<https://archive.org/stream/oresteiao.txt>, May 2, 2018)

This sort of so called holy law ostracized man and court law from any saying, simply because man is doomed and " destiny is divine law"(<https://archive.org/stream/oresteiao.txt>, May 2, 2018)

The Romantic Poets and Law in the Legend of “Prometheus”

Poets of the Romantic era championed the cause of the French Revolution of freedom. Romanticism is considered a literary "revolt - because – it has been traditionally used in opposition to the word classical" (CurranStuart, ed. 2011, p. 261). Like most fellow romantics Shelley and Byron, rebellious by nature, have recreated and attached themselves to the image of Aeschylus, the creator of literary Prometheus, while the chief god, Zeus, is shown as an epitome of their contemporaneous despots, kings and power mongers. Shelley "rejected tyrannical governments" be they religiously based or otherwise. (E. Robinson, Shelley & Byron, the snake and the Eagle, 1976, p.16). His rejection leaves no room for speculation on his stance on the nature of law that is applied. His fellow romantic poet Lord Byron states clearly that man suffers "the tyranny of fate"(<https://www.poetryfoundation.org/poems/43843/prometheus>, retrieved, May 3, 2018). Which is effectively a panel of judgment empowered to issue final and irrevocable sentences. That is why they believe that Prometheus, whose myth they quoted "functions as a redeemer" (Nicholas Roe, Keats and History, 1995, p, 118). They, naturally, felt identifiable with "Prometheus...the father of all art and science. Hugh Lloyd – Jones, The Justice of Zeus, 1971, p, 21). That is why the Romantics issued the rebellious god not only with a guilty free verdict but rather made him an anti mortal suffering champion whose aid to human beings amounted to a clear revolt against a complex mechanism of power on top of which resides Zeus and his proxies, kings who claim their right to power as a divine mandate. Lord Byron's description of Prometheus' "crime" amounts to a direct attack on immortal powers and, hence law

Thy Godlike crime was to be kind

To render with thy percepts less

The sum of human wretchedness, <https://www.poetryfoundation.org/poems/43843/prometheus>, retrieved, May, 14, 2018

The kindness of the rebellious god has engendered his suffering for the sake of humanity, an immortal suffering for mortals for the purpose of delivering them from the dual tyranny of ignorance and despotism. The image of Prometheus bound to a rock is not dissimilar from that of Jesus Christ on the cross.

The Romantics' search for justice for humans does not second theological laws, nor does it support blood law or retributive or even a church law that fall short of rendering fairness. Unlike Christians who believe in the depravity of man, the romantics believe in man first, and henceforth any legal consideration against him must see to his circumstances i.e. an effective end to a "divine" unilateral approach. As a defensive measure the romantics coin gods as tyrants with "ill tyranny" ([https://www.poetryfoundation.org/poems/*Prometheus*](https://www.poetryfoundation.org/poems/Prometheus), retrieved March 12, 2018) According to Shelley in his *Prometheus Unbound*, and in Lord Byron's version of *Prometheus* defines tyranny is defined as a "tyranny of Fate" (www.poetryfoundation.org/poems. retrieved, May 11, 2018). It is believed that divine tyranny survives on human pain brought about by endless blood feud and retribution and this why in *The Oresteia*, Aegistheus, a renowned decedent in a long line in the curse of the house of Atreus, glorifies revenge.

What a glorious day of retribution! Now I can say that

the gods looking down on men avenge their crimes.

(archive.org, *oresteiaofaeschylus*. retrieved May 13, 2018)

This is not to suggest that vengeance must be excluded from the judicial process. The law in itself is a retributive mechanism that should have its own "tyranny" to the second fear of persecution. The implementation of the law in itself avenges the wronged from the guilty. The punishment, that is why, promotes a social order and peace. Romantics who rebelled against the then established institutions of their governments can be seen as law breakers who believed in and called for a total reshuffling of social, political and even religious orders. Prometheus is the rebel icon whose example, champions their rejection to established values and henceforth church laws. Considering Prometheus as a revolutionary figure shows romantics' support for the political mood generated by the French Revolution, which claimed to have come to "avenge" masses against authoritarian injustice.

Aeschylus' message *Oresteia* and *Prometheus Bound*, quoted by romantics as *Prometheus Unbound*, is simple and clear. The cycle of blood cannot make an enduring justice. Breaking this vicious circle demands the introduction and application of the law that subjugates revenge or bloodshed to civil authority to help end feud, a step towards the establishment of social peace by safeguarding man's being and respecting his individuality and values. Terminating cyclical violence is likely to replace hatred with peace. The goddess Athena's Escort ushers in an age of peace. "Peace now reigns"

(archive.org, <https://archive.org/.../oresteiaofaeschya.txt>. 23)

"Oresteia" and "Prometheus Bound", An End to Tyrannical Law

Oresteia and *Prometheus Bound* end in reconciliatory notes to help terminate divinely sponsored, incited and approved blood law or the common law which is incompatible with court law, the development of which is a victory in itself. Athena addresses Zeus "Our struggle here for justice has ever left us victorious." (<https://archive.org/.../oresteiaofaeschya>. retrieved, May 16, 2018). That is why the divine law of revenge is highly unlikely to remain challenging-free. Zeus' lack of pity, as is the case with the sentence he passed on Prometheus incites inquisitive

passion among humans, as is the case with Aeschylus and romantics later on. Questioning the validity of this divine law leaves the door wide open for a human developed law, depending on fairness rather than tyrannical “brutal Victories” and punishment. “Beauty ... and sunlight” (<https://archive.org/.../oresteiaofaeschya>, retrieved, May 16, 2018) should grant man the hope.

Prometheus and despite the harsh penalty he got, yet the rebellious god hopes that Zeus will reconcile with him one day for the objective of maintaining order and proper balance to the universe where a new order viable only when natural or retributive law paves the way for a civilized one. Aeschylus in *The Oresteia* and *Prometheus Bound* tends to advocate a balanced law away from the totalitarian hegemony of Zeus which sanctions and sponsors retributive law. That is why Aeschylus does not go for outright condemnation of retributive law. On the contrary, he played a mute rejection to that law in a very civilized and balanced approach. Fear as a means for keeping law and order could be justifiable. In both works: *Oresteia* and *Prometheus Bound* the retributive, are given high credit for keeping law and order even by fear, the favourable approach by one of Zeus proxies. Aegistheus, Clytemnstra's paramour, says “What a glorious day of retribution” (<https://archive.org/.../oresteiaofaeschya>, retrieved May 21, 2018), a day, he adds, when revenge “fills my heart with joy” (<https://archive.org/.../oresteiaofaeschya> p, 21 retrieved May 24, 2018). He glorifies this sort of fear - spearheaded the law because he is part of it and one of its patrons. Celebration of this law rests on the forming of the apparent formula of fear in return for peace and justices. However, there is no way that fear can ever remain the fundamental base for justice, which is, by nature, a dynamic not a static force. The chief god, observant of this reality, has come to terms with the inevitable change of law that should terminate his despotic role and his unilateral approach to justice, defined as “perverting justice” (<http://www.theoi.com/Text/AeschylusPrometheus>, retrieved May 25 2018) by Prometheus who believes that Zeus’ justice means “unjust wrong I must endure” (<http://www.theoi.com/Text/AeschylusPrometheus.html> retrieved March 25, 2018). At the end of the play the release of Prometheus conveys the message that Zeus, “must have become mature and beneficent ruler, who of his own free will released his enemy” (Hugh Lloyd – Jones, 1971, P. 95).

The great influence of this myth has landed with successive generations of poets and playwrights alike. The rebellious character of Prometheus has appealed to romantic poets who like: Shelley, Byron and Goethe have found in him the iconic figure at a time when they, poets, have experienced the rising tide of human desire for a freedom, and expectations in a better tomorrow.

Romantics, Prometheus and New Approach to Law

Byron and Shelley “supported the struggle for independence of the Irish, the Italian, the Spaniards and the Greeks” (https://www.goodreads.com/.../787754.The_Cambridge_Companion_to_British_Rom, Stuart Curran, ed, 2011. P.73, retrieved May 22, 2018). So the two Romantic poets, Shelley and Byron along with the German poet Goethe adopted the Promethean example to stage objection to unilateral approach to law, as was the case with autocratic and theocratic powers of renaissance Europe. This desire was strongly embraced by Bertolt Brecht, a fellow German playwright in his play *Galileo* and the French Existentialist Sartre in his *The Flies*, have all dealt with the same cases of human Promethean crime and punishment and the norm of law, there plays implicitly advocate.

In his *Defence of Poetry* Shelley claims that “poets are the unknown legislators of the world.” (www.jjroux.com/poets-are-the-unacknowledged-legislators-of-the-world retrieved May 23, 2018). Adopting the myth of Prometheus' rebellion, left poets entrenched against theocratic law sponsored by the chief “god” and those inheritors of his

power, church men, whose application of law functions to maintain their grip on power and people alike. Hence divine law of Zeus leaves no scope for any appeal against its sentences. *Prometheus Unbound* as adopted and renamed by Goethe, Shelly, and Byron marks an epitome of human literary call for freedom and dignity saving law away from natural law which asserts "that certain rights are inherent by virtue of human nature, endowed by nature—traditionally by God or a transcendent source" (Wikipedia <https://www.google.com/search?q=natural+law&oq=natural+law&aqs>, retrieved May 24, 2018). Zeus' sanctioned justice remains trapped within the frame of natural law. The Chorus in the *Eumenides* state:

Justice wields her sword. She thrusts it home,

hungry and sharp. It cuts deep through the lungs.

Thus those who transgress and test the majesty

of Zeus, perish in misery. The anvil of justice now

Holds firm. (https://archive.org/.../oresteiaofaeschylus_djvu.txt retrieved May, 25, 2018)

Romantic Poets and Law in the Legend of "Prometheus"

Poets who resuscitated Prometheus have disengaged themselves from Zeus' version of law, the Retributive or the retaliatory one. They view the rebel god as an icon for freedom not a criminal, that is why a guilt free verdict would certainly help shift law from retributive to court and judges and juries..

Retributive law Retribution, as a value, appeals to the liturgical approach as enshrined and sanctioned by a long line of ecclesiastically institutionalized bodies of law working to safeguard interest rather than applying a law with an aesthetical and fair approach to justice. The penalty imposed on Prometheus illustrate an image of a clear authoritarian mentality set to maintain its grip on power and subservient.

Prometheus feels this heavy hand. He says that Zeus law and its "torment weigh down" ([www.theoi.com/Text/Aeschylus Prometheus.html](http://www.theoi.com/Text/AeschylusPrometheus.html) retrived May 25, 2018). Divine presence needs docile worshippers. Zeus' messenger Oceanus reminds Prometheus of the law of the chief. Bounding Prometheus to a rock looks like a stick coupled with a carrot that is forgiveness if the rebel god repents. Like Aeschylus' will to see divine law transforming to court law, the romantics' stance meant that divine conduct and law cannot be left unquestionable and that even meant a rejection to classical literary heritage. Their rejection amounted a "revolt - because – it has been traditionally used in opposition to the word classical." (www.goodreads.com/.../787754.The_Cambridge_Companion_to_British_Rom, Curran Stuart, ed, 2011.p. 261 retrieved May, 27, 2018). Shelley and Byron, "rejected tyrannical governments" (E. Robinson, *Shelley & Byron, the snake and the Eagle. Wreathed in Flight, 1976. P, 64*) For them, Prometheus is the icon of resistance. (His rejection leaves no room for speculation about his stance on law conducted. His fellow romantic poet Lord Byron states clearly that man suffers "the tyranny of fate" (<https://www.poetryintranslation.com/PITBR/Greek/Prometheus.php>, retrieved, May 30, 2018)

That is why they believe that Prometheus, whose myth they quoted "functions as a redeemer" (Nicholas Roe, *Keats and History*, Cambridge University press, 1995, P 118). They, naturally, felt identifiable with "Prometheus... the father of all art and science" (Hugh Lloyd – Jones, *The Justice of Zeus*, 1971, p. 21) Therefore the Romantics issued the rebellious god, not only a guilty free verdict, but rather made him a symbol of resistance to deliver man from suffering caused by a complex mechanism of power on top of which resides Zeus and his proxies. Lord Byron's description of Prometheus "crime" amounts to a direct attack on immortal powers.

Thy Godlike crime was to be kind

To render with thy percepts less

The sum of human wretchedness, (<https://www.poetryfoundation.org/poems/>, retrieved, June 2, 2018)

Romantics' search for justice for humans does not second theological laws nor does it support blood law or retributive or even church law that falls short of bringing about fairness. Unlike Christians who believe in the depravity of man, romantics' believe in man first, and henceforth any legal consideration against him must see to his circumstances i.e. an effective end to "divine" unilateral approach. As a defensive measure romantics coin gods as tyrants with "ill tyranny" (<https://www.poetryfoundation.org/poems/43843/prometheus> Org. poem, retrieved June, 2, 2018).

GOETHE AND "PROMETHEUS"

Goethe, 1749-1832, the renowned German poet resuscitated the Prometheus legend to stage his outright defiance of the same domineering power that causes pain to man. "Prometheus is the creative and rebellious spirit which, rejected by God, angrily defies him and asserts itself" (<https://en.wikipedia.org/wiki/Prometheus>, retrieved, June, 4, 2018) – Goethe calls on Zeus who forms mortal "to suffer" to leave his, Goethe's hearth. The poet goes to condemn the gods for being poor and describes them as there is nothing poorer "under the sun than you gods". His direct attack on the gods is an indirect appreciation of Prometheus and his memorable action of stealing fire for the benefit of man. "Goethe's Prometheus is not the tortured deity of antiquity, but a stand-in for the Enlightened spirit of mankind" (<https://kronstadtrevolt.com/2016/01/19/goethes-prometheus-and-the-heretical-legacy-of-the-enlightenment>, retrieved, June, 6, 2018)

Prometheus' Goethe looks to have summoned Zeus to trial and accuses him of causing pain to man. The German poet's judgmental sentences on the divine leaves no space for the accused to defend himself, a situation reminiscent of Zeus verdict on the rebel god. This time roles are reversed. Man issues an arbitrary sentence on god. Goethe takes the role of the judge and the jury.

Rejecting divine tyranny helps man escape endless blood feud and retribution and paves the way for a humane law based "court of law, a person or body of persons having judicial authority to hear and resolve disputes in civil, criminal, ecclesiastical, or military cases" (<https://www.britannica.com/topic/court-law>, retrieved June, 14, 2018) The meritorious Oresteia is adopted by the French philosopher, J. P. Sartre, who makes his hero Orestes take law in his hand to free himself from the Zeus version of the law.

SARTRE'S "THE FLIES" AND THE EXISTENTIAL APPROACH TO LAW

Sartre's *The Flies* dismisses the Church's approval of the Nazi's occupation of France. Churchmen claimed that French people had become sinful. Divine retribution is necessary to purify sinner. Nazis, in this respect, have divine mission. They are blessed by God to help French rectify erroneous path. *as proposed* by Nazi collaborators sound analogous to Zeus' Redemption through retributive law. In his version of the Oresteia, Sartre leaves the hero, Orestes, who killed his mother and her paramour in a retributive killing, to defend himself against Zeus demand. The chief god calls on Orestes to repent. Repentance, effectively, means total submission to Zeus and his law and a continuation of the cycle of blood and revenge, a sort of tribal and even religious law, when church custodians apply it. Orestes states clearly that there is no need to repent. He says "Remorse? Why should I feel remorse, I am only doing what is right"

([google.com/search?q=Sartre%27s+The+Flies](https://www.google.com/search?q=Sartre%27s+The+Flies), retrieved, June, 15, 2018) *The Flies* polarizes man's will versus Zeus' law who wants to contain this human drive to Freedom. The crisis of the notion of the law in the play highlights the need to reform law, a potential found in popular justice because "To live without a right" is "To lose all hope of justifying oneself. To live unjustifiably" (Sartre, 1992b, p. 15, <https://www.aacademica.org>, retrieved, June, 17, 2018). his defiant address to Zeus Orestes wants to " free the people of Argos from your evil influence. It is right to restore to them their sense of human dignity"(Sartre, 1992b, p. 15, <https://www.aacademica.org/enan.arrieta.burgos/5>, retrieved, June, 18, 2018). Resisting oppressive institution tends to retrieve the confiscated self and eventually restoring freedom. Law by "the negative freedom provided by the law is not true freedom because it leaves no occasion for other freedoms, but it is a required freedom by the freedom of another."<https://www.aacademica.org/enan.arrieta.burgos/5>. retrieved, June 18, 2018).

According to Sartre, this is the reason why the law justifies itself in the disagreement between what is and what should be. (<https://www.aacademica.org/enan.arrieta.burgos/5>retrieved, June, 19 2018)

Sartre's Orestes stance in *The Flies* mounts an outright rebellion against the well-entrenched and feared will of Zeus, and his proxies, Aegistheus and Clytemnestra. In The Trilogy, Aeschylus has realized the need for a fair law that keeps Greeks on the right track and puts an end to blood cycle. The Chorus describes this needed and awaited fate, a new one away from:

May some Fate come, free from sorrow and quick,

Bringing endless sleep.

(archive.org/oresteiaofaeschylus/aeschylus/retrieved June 20, 2018)

Such law is set to hit stubborn resistance or even it could be blocked and any *attachment* to modification is liable to be coined as sacrilegious, heretical, anti-state or else. Reshaping law is supposed to reshape hierarchical thinking and likewise be the natural outcome of human thinking in order to highlight the dormant will and bring about popular justice resting on the negation of the self. J.P. Sartre's *The Flies* has made of Orestes the existentialist hero who champions his own cause of moralities, independence and personal freedom. The self made, man can not identify with the laws of Zeus that demands self surrender to captivating feeling of shame, regret repentance as the chief god stipulates in return for keeping the repentant among his folk. The god addresses Orestes "you cannot share in their repentance, since you did not share their crime."(https://www.vanderbilt.edu/olli/class-materials/Jean-Paul_Sartre, retrieved, June 22, 2018). When Orestes refused to get hooked within the law of Zeus he was reproached and was called upon by Zeus himself to "know his sin" and return to "saner self." (https://www.vanderbilt.edu/olli/class-materials/Jean-Paul_Sartre, retrieved, June 22, 2018).

Orestes' answer was short and firm "I shall not return under your law. I am doomed to have no other law but mine."(https://www.vanderbilt.edu/olli/class-materials/Jean-Paul_Sartre, retrieved, June 22, 2018)

The chief god's law establishes blood and retribution as the final one, divinely entrusted to monitor and correct man's behavior should the need arise. Sartre's hero need for freedom equals existence, and hence the true reason for being. That is why Sartre, believes that "the law justifies itself in the disagreement between what is and what should be. So Orestes breaks away from Zeus law and acquits himself. He takes matters into his own hand and gives himself the space needed to liberate his will from any external mandate in the name of divine law. He addresses his sister Electra, "I shall not repent of what I have done" https://www.vanderbilt.edu/olli/class-materials/Jean-Paul_Sartre, June, 22, 2018).

Advocating existentialist philosophy of personal responsibility leaves followers of existentialism from moral and legal obligations to church canon law which is "the name for the catholic church's order, structure, rules and procedures" (<http://diocese-tribunal.org/canonlaw>, retrieved, June, 23, 2018)

BERTOLT BRECHT'S "GALILEO" AND CHURCH'S LAWS

Bertolt Brecht (1898 – 1956) is a German playwright who lived for a while in the then called East Germany where he founded ensemble theater. His *Galileo* questions the validity of church laws before scientist's ethical responsibility and scientific truth. Considering that the earth rotates round the sun, as Galileo proposed, was seen as a gross violation of Bible-based church's interpretation of being simply because such an approach threatens the church's mechanism of power and survival. Breaking Biblical and divine law was considered a capital sin punishable by death. Galileo's search for knowledge looks similar to Prometheus' who brought fire, symbol of knowledge to man. Fire helps man establish an inquisitive spirit as the way to knowledge to see and interpret being different. Galileo states clearly that:

"The old teachings which were believed a thousand years, are collapsing"

His belief lies in the "gentle power of reason, of common sense" (<https://archive.org/stream/lifeofgalileo>, retrieved, June 24, 2108). Galileo's inquisitive spirit places him directly on a collision course against the firm and intolerant laws of the church that work to keep people away from any contact with knowledge. In the Middle Ages, the Church improvised an understanding of the universe known as the *Great Chain of Being*, a hierarchy with God on top and the Pope and cardinals below and man is left subservient to ecclesiastical laws. Fear of charges of blasphemy left no chance to man to open his eyes to any other truth apart from Bible-based church interpretation. According to churchmen, Galileo's scientific research threatened to undermine the very basics of church's so called "truth" "In 1616, the Roman Catholic Church investigated Galileo. In a trial, "the Catholic Church ordered Galileo to stop discussing ideas that conflicted with the teachings of the Church. Ideas that conflict with religious teachings are named heresy" (<https://archive.org/stream/lifeofgalileo>, retrieved, June 26, 2018) that is why he was convicted of a "strong suspicion of heresy," a lesser charge than actual heresy" (<http://newsroom.ucla.edu/releases/the-truth-about-galileo-and-his-conflict-with-the-catholic-church>). Galileo's trial was referred to church court because Florentine court had no mandate to see into the scientist's case. The inquisitor dismisses Galileo's doubt as a jeopardy to faith, i.e. heresy is begotten by doubt. The inquisitor states: "Are we to establish human society on doubt and no longer on faith?" (<https://archive.org/stream/lifeofgalileo>, retrieved, June 27, 2018). For fear of being branded as a sympathizer with an heretic no one was able to protect him from the inquisition and arch punishment for capital "crime" that could sabotage public peace. That is why, "Litur, "I laws ... are intended to protect important truths and realities of the faith" (tps://wwhtw.ewtn.com/expert/answers/liturgical_laws.htm, retrieved, June 29, 2108). In short Church's policy, effectively meant churches' unquestionable law.

Church leaders kept faithful to an intransigent attitude regarding any potential dissent, and barricaded themselves behind the laws they themselves claimed the right to consider. Church heads' interpretation of Biblical verses, left no space for tolerance with what might seem an independent interpretation of life and hence of The Bible itself i.e. Church law. In the Presence of the Pope, the inquisitor asserts that "It has pleased the God to beset the Holy sea with trials" (<https://archive.org/stream/lifeofgalileo>, retrieved, June 29, 2018). The Pope makes clear the difference between church law in Rome and civil law in Vienna. He says "Here the Church, there Reason" (https://archive.org/stream/lifeofgalileo, retrieved, June 29, 2018). the Viennese court rests on reason, the Pope continues "?"

(<https://archive.org/stream/lifeofgalileo>, retrieved, June 27, 2018) The Pope concedes to the fact that state law prevails in Vienna while In Rome church law is in charge and one was able to save Galileo from "the Inquisition. Not even Pope Urban VIII" (<http://newsroom.ucla.edu/releases/the-truth-about-galileo-and-his-conflict-with-the-catholic-church>, retrieved, July 2, 2018,). In short where fears dwell and where arbitrary laws prevail truth has no place.

CONCLUSIONS

Law can be seen as concurrent with human development. The works cited view aspects of law from the ancient Greek where the concept of law was still in its preliminary stage. Divine law, in its unilateral approach to justice, was nothing more than a religious copy of tribal law and, later on Biblical law. Man's inherent instinct for freedom prompts authors to look into the validity of the law where human contribution is excluded except in the sentence man has no right to appeal against. Laws are a spontaneous need contrived to put society in an order, and since it serves society law is supposed to be evolutionary simply because societies kept developing and so was the need to settle disputes.. The more a society needs to move away from customary law, tribal and religious, the more the need for laws enforced by judicial bodies and modern state. The works discussed in this paper show that law is an experience shared by successive generations and they can redefine it the way that suits their development.

Prometheus and Orestes to make it wrong in order to put right. Defiance of god's dictates and the search for individuality, a capital error, at certain stages, leave man prone to penalties set by the divine regardless of the circumstances. Changing or modifying law is a clear indicator of the way society is going through. Man has had a long history or possibly a conflict with harsh laws. The authors mentioned in this paper subscribed to the idea of an evolving law by forwarding a tacit and sometimes clear rejection of laws, manipulated by the gods, the inheritors of their authorities, and proxies. Law in reality is a sort of social contract between people on one hand and authority on the other. When the law fails to develop and kept entrenched to serve the interest of the elite, the danger of falling into despotism of law is real and great. Examples of such stagnating laws or values refer to a struggle between fair application and personal interest, a gap that could be deliberately set to maintain and sustain what some authorities and persons believe to be their sacred rights. However, Evolution addresses man's developing needs, even and especially development of law which is the standard by which progress of civilization can be seen and evaluated.

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